

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

JUN 16 2014

KEESHA STRINGER

JAMES W. McCORMACK, CLERK  
By: *Jahne Penney*  
DEP CLERK

vs.

CASE NO. 3:14-cv-00151 KGB/BD

SMITH TRANSPORTATION  
INCORPORATED and JOHNIE STEIN

This case assigned to District Judge BAKER  
and to Magistrate Judge JEERE

**NOTICE OF REMOVAL**

Defendants Smith Transportation Incorporated ("Smith Transportation") and Johnie Stein ("Stein") (collectively "Defendants"), by and through counsel, Deacon Law Firm, P.A., for their Notice of Removal, state:

1. Plaintiff filed a Complaint in the Circuit Court of Mississippi County, Arkansas on May 5, 2014. *See Exhibit A.*
2. Defendant Smith Transportation was served with Summons and Complaint on or about June 2, 2014. Defendant Stein was served with Summons and Complaint on or about June 3, 2014. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).
3. Upon information and belief, Plaintiff is a resident of Blytheville, Mississippi County, Arkansas.
4. Smith Transportation is a Kansas corporation with its principal place of business in Lenexa, Kansas.
5. Stein is a resident of Rosedale, Andrew County, Missouri.
6. Complete diversity exists because Smith Transportation and Stein are deemed to be citizens of states different than the Plaintiff.
7. Copies of all process and pleadings served on Smith Transportation in the state court

action are attached hereto as Exhibit A. Copies of all process and pleadings served on Stein in the state court action are attached hereto as Exhibit B.

8. Defendants deny that Plaintiff is entitled to relief. Nevertheless, the nature of the Plaintiff's claims, if successful, would meet the jurisdictional threshold. Plaintiff does not limit her claims to any monetary threshold, but rather seeks compensatory damages in an amount that exceeds federal court jurisdictional limits in diversity of citizenship cases.

9. This action is removable pursuant to 28 U.S.C. § 1441(a). It is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, in that there is complete diversity between all parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

WHEREFORE, defendants, Smith Transportation Incorporated and Johnie Stein, remove the state court action from the Circuit Court of Mississippi County, Arkansas, to this Court and request that this Court take jurisdiction of this civil action to the exclusion of any further proceedings in state court.

Respectfully submitted,

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By Lauren O. Baber  
Lauren O. Baber (#2011195)

**CERTIFICATE OF SERVICE**

I hereby certify that service of the above and foregoing was made by mailing a copy of same to:

Todd Jones  
Lloyd W. "Tre" Kitchens  
THE BRAD HENDRICKS LAW FIRM  
500 C Pleasant Valley Dr.  
Little Rock, AR 72227

on this 12<sup>th</sup> day of June, 2014.

Lauren O. Baber  
Lauren O. Baber